

From: dave@cranefamily.f9.co.uk@inetgw
To: Microsoft ATR
Date: 1/24/02 5:25am
Subject: Microsoft Settlement

Dear Sirs /Madams,

I'm writing to express my concern about the leniency of the proposed settlement of the antitrust case against Microsoft. I am not a US citizen, but I believe that this is an issue of global importance. I believe the public comment period is open until 28 Jan, so here are my comments.

Microsoft has been rightly found guilty of abusing its position as a monopoly player. Since the first round of hearings were concluded, it has not tempered its activities.

- With the 'Passport' scheme, it is looking to place itself as a central broker in all economic transactions occurring over the internet.
- With .NET subscription technologies and revised pricing models, it is looking to tie users of its software into continually paying.
- With restrictive, non-public OEM licenses on bootloaders, it continues to artificially keep alternative operating systems such as Linux and the now-defunct BeOS from establishing market share, and restrict the freedom of choice of those purchasing computers to Microsoft or Microsoft.

Let me elaborate on that final point. As I understand it, a Microsoft operating system is provided at low cost to a hardware manufacturer on the proviso that they use the Microsoft 'bootloader' to launch the operating system when the machine is switched on - despite the fact that other programs not owned by Microsoft (and some freely available) can also accomplish this task just as reliably. The Microsoft bootloader license allegedly prohibits any other operating system from being launched at the same time, preventing a hardware manufacturer from offering a system that can run Microsoft Windows AND an alternative operating system. I note that no such machines are available on the market in either the US or Europe, and that such a purchase would be both very attractive to many buyers, and the easiest way to gain familiarity with alternative operating systems while still being able to use Windows as well. In the case of Linux, which is freely available, there would be minimal per-unit cost to the manufacturer in offering this alternative either. The restrictions placed by the Microsoft OEM licenses effectively keep the majority of computer users locked into their state of ignorance about alternatives to Microsoft.

So long as Microsoft controls the only desktop operating system in town (bar Apple, I admit) vendors of application software are forced to play by their rules or else suffer the fate of Netscape. In a world where a diversity of operating systems are prevalent, it would be much harder for Microsoft (or any other single interest) to pitch the rules in its favour in competition between application vendors. A comprehensive solution must begin at the operating system. The increased freedom to compete will then bubble up to the applications, office suites, web browsers, etc.

Personally, I have felt motivated to investigate alternative computing platforms simply to sever any reliance on a company that seems so intent on milking its users as much as it can. I am fortunate in being technically adept enough to do so, despite the unnecessary difficulty of this process arising from the way in which Microsoft has manipulated the market. Freeing the hardware manufacturers from shipping only Microsoft-enabled boxes would extend the freedom that I enjoy to many other computer users.

Please, take real measures to promote diversity in the future of computing. I would single out the

bootloader restrictions as the most critical issue to be addressed here, and urge you to:

- prevent any operating system manufacturers from brokering such restrictive deals outside of the public gaze
- prevent any operating system manufacturers from fostering the development of closed hardware standards that will lock out competitors

Thus far, Microsoft's power has been concentrated within the IT arena. Once I switch my machine off, I needn't worry about them. But the influence of IT is becoming more pervasive, and in many ways I see benefits in this, so long as the public retains some control on how information is used. I do not look forward to a situation in which I am forced to license software from a specific vendor in order to be able to shop for my groceries, use the transport system, or other basic aspects of daily life. Such a prediction may sound alarmist, but I do believe it is a distinct possibility. The way in which this settlement is reached will provide a clear signal to Microsoft and other large players in this emerging market as to the extent to which the US government is willing to concede its role as an international safeguard of human rights and freedom to closed commercial interests that are willing to cynically flaunt the established rules of business, whether that interest be Microsoft or anyone else.

Thank you for listening.

Dave Crane
IT consultant
Bristol, UK
dave@cranefamily.f9.co.uk

CC: dave@cranefamily.f9.co.uk@inetgw